

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

*Plaintiff,*

*v.*

JAKAVIOUS DAVONTAE WILLIS,

*Defendant.*

CAUSE NO. 3:22-CR-89-CWR-FKB

**ORDER**

Before the Court is the United States' *Motion in Limine*, Docket No. 19, and the defendant's response in opposition, Docket No. 22. Having reviewed the submissions of the parties, along with relevant case law, the motion will be denied without prejudice.

This case concerns Jakavious Davontae Willis's alleged possession of an unauthorized weapon. On July 19, 2022, a Grand Jury in the Southern District of Mississippi returned an indictment against Willis on two counts: that he knowingly possessed a machine gun in violation of 18 U.S.C. § 922(o) and 924(a)(2); and that he knowingly received and possessed a machine gun not registered to him in the National Firearms Registration and Transfer Record, in violation of 26 U.S.C. § 5841, 5861(d), and 5871. Trial is scheduled for December 15, 2022.

The United States now requests that the Court preclude the defendant from "mentioning, electing from any witness, or attempting to elicit from any witness, information relating to the presence of absence of any particular witness on the Government or the government's plan to call or not call a particular witness." Docket No. 19.

Willis responds that the United States' request is "overbroad" and premature. Docket No. 22. The Court agrees. The Court is not persuaded it should broadly determine the propriety of "missing witness" arguments until it hears the evidence in the case. Furthermore, the parties are aware of the boundaries of opening statements and the Federal Rules of Evidence and will observe those rules. If either party wishes to raise any objections during trial, the Court will rule on them at that time.

For the foregoing reasons, the United States' motion is denied.

**SO ORDERED**, this the 7th day of December, 2022.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE